

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

**United States District Court**

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

APR - 3 2007

DAVID J. MALAND, CLERK

BY  
DEPUTY \_\_\_\_\_

UNITED STATES OF AMERICA

§

§

vs.

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§

JUAN BENTIO CALBO-GOMEZ

§

Case No. 4:06cr71.1

(Judge Schell/Judge Bush)

**REPORT AND RECOMMENDATION**  
**OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on February 15, 2007, to determine whether the Defendant violated his supervised release. The Defendant was represented by Denise Benson. The Government was represented by Andrew Stover.

On December 13, 1999, the Defendant was sentenced by the Honorable Thomas Gray Hull to fifty-one (51) months custody followed by a three (3) year term of supervised release for the offense of Possession With Intent to Distribute Marijuana. On June 23, 2002, Defendant completed his period of imprisonment and began service of his supervised term.

On June 9, 2005, the U.S. Probation Officer filed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following condition: (1) Defendant shall not commit another federal, state, or local crime.

The petition alleges that Defendant committed the following act: (1) On May

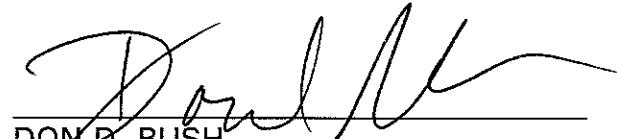
12, 2005, Defendant was indicted for knowingly or intentionally conspiring to Distribute or Possess with the Intent to Distribute Gamma Hydroxybutyrate ("GHB"), 3, 4 Methyleneoxy-methamphetamine ("Ecstasy/MDMA"), cocaine, mixture or substance containing cocaine base, mixture or substance containing methamphetamine, and mixture or substance containing marijuana.

Prior to the Government putting on its case, Defendant entered a plea of true. At the hearing, the Court recommended that the Defendant's supervised release be revoked.

**RECOMMENDATION**

The Court recommends that the District Court revoke the Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months to be served consecutively to any other term, with no supervised release to follow.

Signed this 20 day of March, 2007.

  
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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE